

REMARKS/ARGUMENTS

Interview Summary

Applicant's attorney gratefully acknowledges the Examiner's courtesy in speaking with the Applicant's attorney, Robert L. Shaver, on June 25, 2009 regarding the present office action. Consistent with this conversation, Applicant herein submits the following amendment and response for the Examiner's consideration. New claims are submitted that claim open cell foam, closed cell foam, and the semi-rigid frame.

Amendments to the Drawings

The Examiner objected to the drawings as they related to features in claim 5. Claim 5 has been cancelled; therefore, the objections to the drawings are moot.

Amendments in General / Claim Rejections

The Examiner has objected to claims 7, 12, 20, 21, 23, and claim 22 corrections are required. The referenced claims have been cancelled rendering the objections moot.

Claim Rejections - 35 USC § 103

The Examiner has rejected claims 1-3, 5-9, and 23 as being unpatentable over Rogers (U.S. Patent 5,722,576) in view of Yewer Jr. (U.S. Patent 5,586,969). Rogers discloses a belt system that includes an inner belt, and an outer belt that includes a horizontal accessory retaining system. Yewer Jr. discloses a support belt that includes a padded body portion and an

outer cinch strap. The padded body of the Yewer Jr. belt is a foam and fabric laminate. The Yewer Jr. support belt is semi-conically shaped.

Claims 1-3, 5-9, and 23 have been cancelled. The new claims 24-33 include a belt system that does not include an accessory retaining system of Rogers. The belt of the new claims also includes a multi-layer cushion system that is configured to simultaneously provide padding to wick moisture away from the user. This cushion system together with a semi-rigid frame member configured to distribute the accessory load along the belt is neither taught by Yewers Jr., nor the combination Rogers and Yewer Jr.

The Examiner has rejected claims 4, 11, 20, and 21 as being unpatentable over Rogers in view of Yewer Jr. and in further view of Thompson (U.S. Patent 5,722,576). Thompson discloses a belt for use with a backpack or similar load. The Thompson belt is a wide belt, split into two narrower belts over a portion of its length. Stabilizer straps are provided to maintain the spacing between the split portions of the belt. Thompson teaches closed cell foam padding nearest the user's body. C. 5, LL 29-34. Thompson seeks to improve ventilation by splitting the belt. C. 4, LL 21-24.

Claims 4, 11, 20, and 21 have been cancelled rendering these rejections moot. In response to the combination of Rogers in view of Yewer Jr. and in further view of Thompson, it is noted that the invention of the present application employs an open cell foam cushion layer

to remove moisture. There is no teaching or suggestion in the cited art or in the combination of Rogers, Yewer Jr., and Thompson to use open cell foam for moisture removal. Thompson expressly teaches the use of closed cell foam in a layer nearest the user's body. C 5, LL 29-34.

The Examiner has rejected claims 12 – 16, 19, and 22 as being unpatentable over Guibord (U.S. Patent 6,701,534) in view of Taragos (U.S. Patent 5,537,709). Guibord is a work tool belt which includes a belt, a padded hip rest, and tool holders. C 3, LL 18-39. Taragos discloses a back scrubber that has scrubbers that fit between beveled plates into slots that are dovetail shaped. Claims 12 – 16, 19, and 22 have been cancelled and the rejections are therefore moot. The new claims submitted contain nothing that is similar to the combination of Guibord and Taragos.

In summary, each of the new independent claims submitted in response to this office action includes a liner belt and an outer belt where the outer belt has a layer of open cell foam; a layer of closed cell foam; a semi-rigid frame and an outer covering. This combination of features is not disclosed in the prior art cited in this present office action. Nothing in the cited prior art teaches, motivates, or suggests the combination claimed in the present invention.

Conclusion

For the reasons discussed above, the applicant feels that the application is presently in condition for allowance, and requests the same.

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 24th day July 2009.

Very respectfully,

/Robert Shaver/

Robert L. Shaver
Reg. No. 42145
(208) 345-1122

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR 1.8

I HEREBY CERTIFY that this correspondence is being transmitted to the United States Patent and Trademark Office by EFS-Web on the date below.

DATED: This 24th day of July 2009.

/Colleen Kohler/
Colleen Kohler